THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.25857 OF 2005

-

3rd March, 2006.

Between:

A. Rajeswari. .. Petitioner.

And

The Director and Inspector General of
Police, Govt. of A.P., Hyderabad and four
others. .. Respondents.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.25857 OF 2005

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ORAL ORDER

This Writ Petition is filed seeking a declaration that the action of respondents 2 and 3 in not proceeding with the investigation in crime No.53/2005, dated 6.08.2005 registered against the 5th respondent is arbitrary and illegal.

The petitioner alleges that though Crime No.53/2005 was registered long back on 6.08.2005, respondents 2 and 3 failed to take proper action against the 5th respondent in arresting him and proceeding with the investigation as per the provisions of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act.

In response to the *Rule nisi* ordered, the Assistant Sub-Inspector of Police, Cheepurupalli Police Station filed a counter-affidavit stating that basing on the complaint lodged by the petitioner dated 3.11.2004 alleging commission of offences punishable under Sections 496, 493, 417, 506(2) and 509 of the Indian Penal Code, Crime No.131/2004 was registered and investigation was taken up. After conducting a detailed enquiry and having found that the allegations were false, after obtaining permission from the Superintendent of Police, the said complaint was closed as false on 9.02.2005. Subsequently, the petitioner lodged another complaint against Konathala Sattemma and Gantyada Laxmi. On receipt of the said complaint, Crime No.147/2004 under Section 3(x) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act was registered and after completion of investigation, charge sheet was filed on 23.05.2005 and the same was taken on file as S.C.No.2 of 2005 on the file of the Court of the Additional District and Sessions Judge, Vizianagaram, which is pending trial. That apart, the petitioner again filed a private complaint before the Court of Judicial First Class Magistrate, Cheepurupalli against the 5th respondent alleging that the latter had promised to marry her, but did not do so, and thereby cheated her and he has also abused by her caste. The said complaint was forwarded under Section 156(3) of the Code of Criminal Procedure. Basing on the same, Crime No.53/2005 under Sections 496, 493, 417, 313, IPC and under Section 3(i) (xv) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act was registered against the 5th respondent on 6.08.2005 and investigation was taken up by the Deputy Superintendent of Police, Vizianagaram. During the course of investigation, five witnesses were examined and further investigation is pending. The investigation conducted so far discloses that except the complainant, the remaining witnesses did not say anything about the allegations in the First Information Report. It is further stated that the investigation is going on impartially and as soon as the investigation is completed, appropriate report would be filed before the competent Court.

In view of what has been stated in the counter-affidavit, it is clear that the respondents are proceeding with the investigation, in accordance with law. However, keeping in view that the complaint was lodged long back on 6.8.2005, I deem it appropriate to direct the respondents 1 to 4 to complete the investigation and file appropriate report following due process of law, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this

order.

The Writ Petition is accordingly disposed of. No costs.

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(G. ROHINI, J.)

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